

CITY UTILITIES COMMITTEE

MINUTES

OCTOBER 28, 2008

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, October 28, 2008 at 9:46 a.m.**, in Committee Room #2. The following members were present:

The Honorable Ceasar C. Mitchell, Vice-Chair
The Honorable Natalyn M. Archibong
The Honorable Howard Shook
The Honorable Ivory L. Young, Jr.

The following members were absent:

The Honorable Carla Smith, Chair
The Honorable Clair Muller

Others present at the meeting were: Councilmember Mary Norwood; M. Theresa Stewart, Marc Goncher, and Stephanie Grant, Law Department; Deputy Commissioners George Barnes, Sheila Pierce and Sally Mills, Department of Watershed Management; James Swope, Madelyn Grant, and Nursef Kedir; Department of Public Works; Leslie Ward, City's Auditor; Cathy Martin, Office of Procurement; members of the public, press and Council Staff.

Vice-Chair Mitchell called the meeting to order at 9:46 a.m. after declaring a quorum present. She then proceeded with the following order of business.

- A. ADOPTION OF THE AGENDA - ADOPTED AS AMENDED TO ADD ONE RESOLUTION**
- B. APPROVAL OF MINUTES - APPROVED**
- C. COMMENTS FROM THE PUBLIC**
- D. PRESENTATION BY THE OFFICE OF SUSTAINABILITY - MANDY SCHMIDT**
- E. PUBLIC HEARING - ORDINANCE FOR SECOND READING**

08-O-1924 (1) An Ordinance by Utilities Committee to **abandon** a portion of Old Hapeville Road, SW located between Baker Drive and I-75 consisting of 0.468 acre, more or less, and being more specifically described in the attached exhibit "A" lying and being in Land Lot 68 of the 14th District, Fulton County, Georgia; and for other purposes. **(Public Hearing held 10/28/08)**

(Councilmember Shook made a motion to approve.)

FAVORABLE

F. ORDINANCES FOR SECOND READING

06-O-0937 (1) An Ordinance by Councilmember Clair Muller **as substituted by City Utilities Committee** to amend Article VII of Chapter 74 entitled "**Riparian Buffer Requirements**"; to officially change the administrating Department to Watershed Management, to streamline the review process and clarify the Public Notice Requirements; and for other purposes. **(Referred by back Council 10/20/08)**
(Councilmember Mitchell made a motion to hold at the request of the author)

HELD

08-O-1922 (2) An Ordinance by City Utilities Committee authorizing the Mayor to enter into an Agreement to allow Vulcan Materials Company, LP to access the property known as the Bellwood Quarry to fulfill its reclamation obligations to the State of Georgia and the City of Atlanta; and for other purposes.
(Councilmember Mitchell made a motion to hold at the request of the department.)

HELD

08-O-1923 (3) An **Amended** Ordinance by Utilities Committee amending the 2008 (Intergovernmental Grant Fund) Budget, Department of Watershed Management, by adding to anticipations and appropriations in the amount of \$100,000.00 for an Urban Area Security Initiative (UASI) Reimbursement Grant from the Georgia Water/Wastewater Agency Response Network to fund the acquisition of an itemized specific inventory of equipment, supplies, and skill-sets related to emergency response; and for other purposes.
(Councilmember Shook made a motion to approve as amended.)

FAVORABLE AS AMENDED

City Utilities Committee Minutes
October 28, 2008
Page Three

ORDINANCES FOR SECOND READING (CONT'D)

- 08-O-2139 (4) An Ordinance by Councilmembers Mary Norwood and Carla Smith to amend the City of Atlanta Code of Ordinances, Part 154, Division IV, Section 154-297, to recoup the cost to the City of Enforcement of the Grease Management Ordinance; to clarify the permit process; and for other purposes.
(Councilmember Mitchell made a motion to hold at the request of the author)

HELD

- 08-O-2140 (5) An Ordinance by Councilmember Carla Smith authorizing the Mayor to revise the existing "Glenview Drive" transmission easement with the Georgia Power Company so as to create a new easement that will include an area below the existing easement to be used for the construction, housing and maintenance of a natural gas pipeline; and directing that the revised easement be located on City owned property at Glenview Drive, Atlanta in Land Lot 249 of the 14th District, Fulton County, Georgia; and authorizing that the City accept a payment of \$800.00 from Georgia Power Company in exchange for receiving the easement, where said Funds shall be deposited into FDOA No.: 5051/000002/3890033 - Non-recurring Revenue; and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

- 08-O-2142 (6) An Ordinance by Councilmember Felicia A. Moore to waive the sidewalk requirements of Section 15-09.003 of the City of Atlanta Code of Ordinances for Subdivision Application #SD-06-07 (2591 Ridgewood Road, NW) conditioned on the subdivision applicant tendering (\$3,050.00) into a designated Trust Fund Account for District 9, said dollar amount having been determined by the Commissioner of the Department of Public Works to be equal to the value of the required sidewalk construction for SD-06-07; and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

City Utilities Committee Minutes
October 28, 2008
Page Four

G. RESOLUTIONS

- 08-R-2045 (1) A Resolution by City Utilities Committee authorizing the Mayor or her designee, to issue a **Notice To Proceed** with CH2MHill/WRJ-JV for FC-7619-03C, Annual Contract for Architectural and Engineering Services, for the purpose of performing certain Engineering Services the City must complete as a result of closing its landfills and pursuant to the State of Georgia Rules and Regulations and for other compliance purposes, on behalf of the Department of Public Works, in an amount not to exceed \$1,977,334.00 with all contracted work being charged to and paid from Fund Department Organization and Account Number and Account Number: (FDOA) 5401 (Solid Waste Services Revenue Fund), 130212 (DPW Landfill Closure and Post Closure), 5212001 (Consulting/Professional Services), 4560000 (Closure and Post Closure Care); and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

- 08-R-2046 (2) A Resolution by City Utilities Committee authorizing the Mayor to enter into Amendment Agreement No. 1 with Shaheed's Construction for FC-3007000005, Cascade-Mays Streetscape Project to add additional Streetscape Services for Cheshire Bridge Streetscape Project Phase II on behalf of the Department of Public Works in an amount not to exceed \$464,429.00 with all contracted work being charged to and paid from Fund, Department and Account Number: 3138 (2008 Quality of Life Bond Fund) 130308 (DPW Transportation Design) 102534 (Cheshire Bridge Road) and PTAE0 Numbers: 13102534 103 313821776 5414002 COA; and for other purposes.
(Councilmember Young made a motion to approve.)

FAVORABLE

City Utilities Committee Minutes
October 28, 2008
Page Five

RESOLUTIONS (CONT'D)

- 08-R-2047 (3) A Resolution by City Utilities Committee authorizing the Mayor to execute a Lease Agreement with the Georgia Department of Transportation for the West End Multi-Use Trail Project; also authorizing the Mayor to enter into a Right-of-Way Maintenance Agreement with the Georgia Department of Transportation of the West End Multi-Use Trail Project; and for other purposes.
(Councilmember Mitchell made a motion to approve on substitute on condition.)

FAVORABLE ON SUBSTITUTE ON CONDITION

- 08-R-2049 (4) A Resolution by City Utilities Committee authorizing the Mayor or her designee, to issue a **Notice To Proceed** to Atlanta Services Group, Joint Venture for FC-7619-03B, Annual Contract for Architectural and Engineering Services, Hemphill-Chattahoochee Various Improvements Phase II, on behalf of the Department of Watershed Management, in an amount not to exceed \$1,179,995.00; all contracted work will be charged to and paid from Various Fund, Department Organization ("FDOA) and Activity and Project Activity Task Expense and Organization ("PTAEO") Numbers; and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

- 08-R-2050 (5) A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 2 with Compliance EnviroSystem, LLC for FC-6005007987, Sewer System Evaluation Survey of Wastewater Collection and Treatment System, Sewer Groups 3&4 – Contract B, on behalf of the Department of Watershed Management in an amount not to exceed \$2,500,000.00; that all contracted

RESOLUTIONS (CONT'D)

work shall be charged to and paid from Fund, Department Organization and Account Number 5052 (Water & Wastewater Renewal & Extension Fund) 170215 (DWM Wastewater Sewer Repair 5414002 (Facilities other than Bldgs./Infrastructure-CIP) 4333000 (New Sewer Services) and PTAE0 Numbers 17102652 (SSES Sewer Groups) 101 (Q38I029794DA) 505281387 (Watershed CP Non Amt 94DA) (Facilities other than Bldgs./Infrastructure-CIP) (City of Atlanta); and for other purposes.

(Councilmember Shook made a motion to approve.)

FAVORABLE

08-R-2051 (6) A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal No. 3 with Rockdale Pipeline, Inc., for FC-6004007832B, on behalf of the Department of Watershed Management for time only; and for other purposes.

(Councilmember Shook made a motion to approve.)

FAVORABLE

08-R-2052 (7) A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal No. 2 with AUI, LLC, for FC-3006007947, Annual Contract for Large Diameter Sewer Cleaning and Pipeline Assessment, Renewal No. 2 for time only, on behalf of the Department of Watershed Management; and for other purposes.

(Councilmember Shook made a motion to approve.)

FAVORABLE

08-R-2053 (8) A Resolution by City Utilities Committee authorizing the Mayor to enter into Amendment Agreement No. 5 for FC-6005007944, Water Meter Replacement and Automated Meter Reading ("AMR") Deployment with K&V/Meter Automation, LLC Joint Venture ("JV") in an amount not to exceed \$1,600,000.00 to be charged to and paid from Fund, Department Organization and Account Number: 5051 (Water & Wastewater Revenue Fund) 170503 (Watershed Billing &

City Utilities Committee Minutes
October 28, 2008
Page Seven

RESOLUTIONS (CONT'D)

Customer Service) 5212001 (Consulting & Professional Services) 4410000 (Water Administration) to provide funding for Meter Reading Services on behalf of the Department of Watershed Management; and for other purposes.

(Councilmember Shook made a motion to approve.)

FAVORABLE

- 08-R-2054 (9) An **Amended** Resolution by City Utilities Committee to correct Resolution Number 08-R-1161 adopted by the City Council on June 16, 2008 and approved by the Mayor on June 24, 2008 by deleting incorrect Fund Department Organization and Account Number 5051 (Water and Wastewater Revenue Fund) 7410000 (Planning and Zoning) 5212001 (Consultant/Professional Services) 170407 (DWM Drinking Water Facility Maintenance) and inserting in lieu thereof the correct Fund Department Organization and Account Number 5052 (Water & Wastewater Renewal & Extension) 170407 (DWM Drinking Water Facility Maintenance) 5420999 (Equipment - 5000+) 4430000 (Treatment); and for other purposes.

(Councilmember Shook made a motion to approve as amended.)

FAVORABLE AS AMENDED

- 08-R-2055 (10) An **Amended** Resolution by City Utilities Committee to authorizing the Mayor apply for and accept a Section 319(h) Grant from the United States Environmental Protection Agency for the purpose of funding a Pilot Watershed Improvement Project located in the McDaniel Basin; to provide for matching funds; and for other purposes.

(Councilmember Shook made a motion to approve as amended.)

FAVORABLE AS AMENDED

RESOLUTIONS (CONT'D)

- 08-R-2056 (11) A Resolution by City Utilities Committee authorizing the Mayor to enter into an Agreement with Brent Scarbrough & Company, Inc./Drayco Group, LLC, for 4713, Sewer Group Two Rehabilitation, Phase I Pipebursting Contract F, on behalf of the Department of Watershed Management, in an amount not to exceed \$4,856,604.50; all contracted work shall be charged to and paid from Fund Department Organization and Account Number 5052 (Water & Wastewater Renewal & Extension Fund) 170215 (DWM Wastewater Sewer Repair) 5414002 (Facilities other than Bldgs./Infrastructure-CIP) 4333000 (New Sewer Services) and PTAE0 Numbers 17102445/102/505281387/5414002; and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

- 08-R-2057 (12) A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 2 with Camken-Reynolds, LLC for FC-6005007986, Sewer System Evaluation Survey of Wastewater Collection and Transmission System, Sewer Groups 3 and 4 – Contract A, on behalf of the Department of Watershed Management, in an amount not to exceed \$1,500,000.00; all contracted work shall be charged to and paid from Fund Department Organization and Account Number 5052 (Water & Wastewater Renewal & Extension Fund) 170215 (DWM Wastewater Sewer Repair) 5414002 (Facilities other than Bldgs./Infrastructure-CIP) 4333000 (New Sewer Services) and PTAE0 Numbers 17102652/101/505281387/COA; and for other purposes.
(Councilmember Young made a motion to approve.)

FAVORABLE

- 08-R-2058 (13) A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 2 with Southeast Pipe Survey, Inc., for FC-6005007988, Sewer System Evaluation Survey of Wastewater Collection and Transmission System, Sewer Groups 3 and 4 – Contract C, on behalf of the Department of Watershed Management, in

RESOLUTIONS (CONT'D)

an amount not to exceed \$300,000.00; all contracted work shall be charged to and paid from Fund Department Organization and Account Number 5052 (Water & Wastewater Renewal & Extension Fund) 170215 (DWM Wastewater Sewer Repair) 5414002 (Facilities other than Bldgs./Infrastructure-CIP) 4333000 (New Sewer Services) and PTAE0 Numbers 17102652/101/505281387/COA; and for other purposes.

(Councilmember Young made a motion to approve.)

FAVORABLE

- 08-R-2086 (14) A Resolution by City Utilities Committee authorizing the Mayor to execute an Agreement with the Georgia Department of Transportation for participation and funding assistance to resurface certain City streets in connection with the Local Assistance Road Program (LARP); and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

- 08-R-2109 (15) A Resolution by City Utilities Committee authorizing the Mayor or her designee to enter into a Contractual Agreement with CSX Transportation, Inc., a Virginia Corporation, on behalf of the Department of Public Works, to provide expenses related to certain necessary engineering and design review and approval for the construction of Boulevard Sidewalk Project in an amount not to exceed \$8,055.00; all contracted work shall be charged to and paid from Fund Account and Center Number 3138 (2008 Quality of Life Fund) 130308 (DPW Transportation Design) 102088 (Boulevard Sidewalk) and PTAE0 Funding Sources: 13102088/105/313821776/5414002/COA; and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

City Utilities Committee Minutes
October 28, 2008
Page Ten

RESOLUTIONS (CONT'D)

08-R-2147 (16) A Resolution by City Utilities Committee correction Resolution 08-R-1436 by deleting Fund Number 5051 and inserting 5052 as well inserting 5212001 (Consulting/Professional) in the Caption and Final Resolve Clause of the legislation; and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

H. PAPERS HELD IN COMMITTEE

07-R-1214 (1) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** to Jacobs/PRAD/PBS & J, Joint Venture, for FC-7619-03D, Annual Contract for Architectural and Engineering Services, White Paper Study for the Policy Level Analysis of Security Options for Drinking Water Assets, in an amount not to exceed \$48,250.48; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J01 (Water & Wastewater Revenue Fund) 524001 (Consultant/Professional Services) Q12001 (Watershed Security); and for other purposes. **(Held 6/12/07 at the request of Councilmember Shook for further review.)**

07-O-1521 (2) An Ordinance by Councilmember Natalyn M. Archibong to amend Chapter 138 of the Code of Ordinances of the City of Atlanta so as to create a new Article VIII to be entitled "Outdoor Dining Areas"; to amend Article II of Chapter 138 so as to create a new Division 8 to be entitled "Outdoor Dining Areas"; to establish procedures for the authorization of restaurants that wish to provide Outdoor Dining Services; and for other purposes. **(Held 7/31/07) (Work sessions held 9/13/07 & 10/12/07)**

07-O-2505 (3) An Ordinance by Councilmembers Howard Shook, H. Lamar Willis, Mary Norwood, Joyce Sheperd, Anne Fauver, Natalyn M. Archibong, Clair Muller, Caesar C. Mitchell and Ivory L. Young, Jr. amending Section 130-84 (Rates and Charges) of the Code of Ordinances of the City of Atlanta for the purpose of eliminating the Solid Waste Frontage Fee; and for other purposes. **(Amended and held 11/27/07 for further review.)**

City Utilities Committee Minutes
October 28, 2008
Page Eleven

PAPERS HELD IN COMMITTEE (CONT'D)

- 07-O-2604 (4) An Ordinance by Councilmember Clair Muller to amend Part 15, Section 15-09.004 of the City's Land Subdivision Ordinance in the City of Atlanta's Code of Ordinances for the purpose of defining sanitary sewer connection requirements for Land Subdivisions; and for other purposes. **(Held 12/11/07 for further review.)**
- 07-O-2605 (5) An Ordinance by Councilmember Clair Muller to amend Chapter 154, Utilities, Article IV, Sewer Construction and Assessments, Division 1 of the City Code of Ordinances for the purpose of defining Sanitary Sewer Connection Requirement; and for other purposes. **(Held 12/11/07 for further review.)**
- 08-O-0481 (6) An Ordinance by City Utilities Committee amending the 2008 (1994, 1997 G. O. Public Improvement Bond Fund) Budget by transferring from and to appropriations in the amount of \$2,023,948.81, to fund the Assets Management and Improvement Program; and for other purposes. **(Held 4/1/08 for further review.)**
- 08-O-1000 (7) An Ordinance by Committee on Council to amend Chapter 154, Article II (Entitled "Water and Sewer Billing and Collection Procedures"), Section 154-26 of the Code of Ordinances of the City of Atlanta, so as to revise Subsection 154-26(d) which contains maximum yearly term requirements of the Water and Sewer Appeals Board at variance with provisions set out at Section 2-1854 of the Code of Ordinances that establishes terms of Office for Boards and Commissions; to waive conflicting ordinances; and for other purposes. **(Held 5/13/08 for further review.)**
- 08-O-1213 (8) An Ordinance by Councilmembers Clair Muller and Ceasar C. Mitchell to amend Chapter 130, Solid Waste Management Division 1, Section 130-37(b)(6) by deleting subsection (d). **(Held 6/10/08 at the request of the author for further review by the Department of Public Works.)**

**City Utilities Committee Minutes
October 28, 2008
Page Twelve**

PAPERS HELD IN COMMITTEE (CONT'D)

- 08-O-1215 (9) An Ordinance by Councilmembers Clair Muller and Ceasar C. Mitchell requiring the initiation of a Pay-As-You-Throw or Volume-Based Billing Collection Program for Solid Waste Services in the City of Atlanta. **(Held 6/10/08 at the request of the author for further review by the Department of Public Works.)**
- 08-O-1217 (10) An Ordinance by Councilmember Clair Muller eliminating "Front Footage" billing on Solid Waste Services Bill and adding to the bill an amount for "Common Good Services" citywide for right-of-way cleaning where needed. **(Held 6/10/08 at the request of the author for further review by the Department of Public Works.)**
- 08-R-1445 (11) A Resolution by Councilmember Carla Smith authorizing payment of stipulated penalties imposed by the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) in the amount of \$ _____ as stipulated penalties for the violation of CSO Fecal Coliform Operational Standards _____ pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT; to identify the source of funding; and for other purposes. **(Held 7/15/08)**
- 08-O-1689 (12) An Ordinance by Councilmember Carla Smith authorizing a new appraisal for the purchase by the City of a twelve foot (12') strip of land along the rear property line of 1144 and 1200 Avondale Avenue, lying and being in Land Lot 23 of the 14th District, Fulton County, Georgia; and for other purposes. **(Held 8/26/08 for further review)**

I. APPRAISAL OF AIR RIGHTS

- (1) Appraisal of air rights of about 17.5 feet above the right-of-way of Courtland Street Pedestrian Bridge consisting of 18,563.5 cubic square feet space, the appraiser's estimate annual rental value should be \$785.24 per year or \$65.44 per month.
(Councilmember Shook made a motion to accept the appraisal.)

City Utilities Committee Minutes
October 28, 2008
Page Thirteen

J. REQUESTED ITEM

1. Councilmember Muller requested the Department of Watershed Management present to the committee a discussion on storm water at some date in the future.
2. Councilmember Shook requested the Department of Watershed Management to get the projected cost on CSO Projects.
3. Councilmember Shook requested the Department of Law to research the legal process for informing the EPA that City of Atlanta's CSO Consent Decree Projects are completed.

K. ITEMS NOT ON THE AGENDA

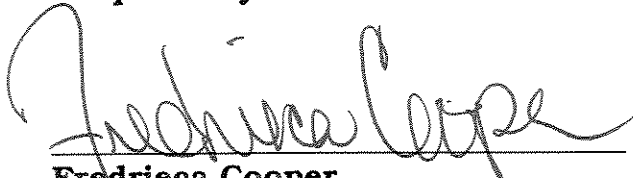

08-R-2149 (1) A Resolution by City Utilities Committee to authorize the
*** Mayor to enter into a Consent Agreement and to authorize
 payment pursuant to the Consent Agreement as requested by the
 Georgia Public Service Commission of the State of Georgia in the
 amount of \$10,000.00; and for other purposes.
 (Councilmember Shook made a motion to approve.)

FAVORABLE

**City Utilities Committee Minutes
October 28, 2008
Page Fourteen**

There being no further business to come before the Committee, the meeting was adjourned at 10:51 a.m.

Respectfully Submitted:


**Fredrieca Cooper
Legislative Assistant**
**Alfred Berry, Jr.
Research and Policy Analyst**
**The Honorable Ceasar Mitchell, Vice-Chair
City Utilities Committee**